



City of Chicago
Rahm Emanuel, Mayor

Department of Law
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April 22, 2019

Freddy Martinez
Lucy Parsons Labs
Via email at 71486-20275026@requests.muckrock.com

Dear Mr. Martinez,

On behalf of the City of Chicago Department of Law, I am responding to your Freedom of Information Act ("FOIA") request which was dated April 8, 2019 and received in our offices on the same day. The Law Department took a 5 day extension on April 15, 2019. You requested:

Requesting Pursuant to the Illinois Freedom of Information Act., I hereby request the following records:

On 7/22/2016, then Governor Rauner signed Public Act 099-0622 (passed by the 99th General Assembly) a new law governing the use of "cell site simulators" by law enforcement agencies to take effect January 1, 2017. Therefore under the Illinois Freedom of Information Act we are requesting:

- Any internal documentation about the implementation of Public Act 099-0622 including changes to internal policies, any changes to directives or other memorandums of understandings.*
- Internal communications including emails, documents, notes, and memos about the public act 099-0622. Please limit your search from January 1st 2016th to the present.*
- If available, documents sufficient to show a blank search warrant application (electronic or otherwise).*
- If available, documents sufficient to show a blank search warrant application (electronic or otherwise) after the passage of Public Act 099-0622.*
- If available, documents sufficient to distinguish an electronic search warrant application versus a physical search warrant application.*
- Any external communications between your office and any of the following departments (Cook County States Attorney, Chicago Police Department and the City of Chicago Department of Law)about Public Act 099-0622. (I am sending this request to multiple offices so be aware that this request is for _external_ communications).*
- If available, documents sufficient to show how your office processes search warrants. For example, documents should be sufficient to show where a filed search warrant is sent for processing, where all search warrants are stored by your office etc.*

The Law Department has no responsive records regarding the first, third, fourth, fifth, and seventh bullet point to your request. Please note that each City department is a separate "public body" under Section 2 of FOIA. 5 ILCS 140/2(a); Duncan Publishing, Inc. v. City of Chicago, 304 Ill. App. 3d 778, 784 (1st Dist. 1999) ("Clearly, each of the individual departments are subsidiary bodies of the City and are 'public bodies' as defined by the FOIA."). A FOIA request must be directed to the Department that maintains the records you seek.

To the extent your request seeks emails, your request is unduly burdensome. Section 3(g) of FOIA provides that "requests for all records falling within a

category shall be complied with unless compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information.”

In order to effectively run an email search, the Law Department needs the following search parameters: (1) the e-mail address(es) or employee name(s) of the account(s) you wish searched; (2) key words you wish to search for; and (3) the timeframe to be searched. Without search parameters, the Law Department would need to review all department emails to determine whether any are responsive to your request. Such an undertaking would pose an immense burden on the department.

It is necessary that your FOIA request be narrowed and clarified. If you would like assistance in narrowing your request, please contact me, and I will assist you. Otherwise, for the reasons provided above, the Law Department is unable to respond to your FOIA request as currently drafted.

If you agree to narrow your request, you must submit a revised written request to my attention. The Law Department will take no further action or send you any further correspondence unless and until your current request is narrowed in writing. If we do not receive your narrowed request within fourteen calendar days of the date of this letter, your current request will be denied.

In the event that we do not receive a narrowed request and your current FOIA request is therefore denied, you have the right to have a denial reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General, 500 S. 2nd Street, Springfield, Illinois 62706, (877) 299-3642. You also have the right to seek judicial review of your denial by filing a lawsuit in Cook County Circuit Court.

Sincerely,

Tom Skelton
FOIA Officer – Department of Law